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Attorneys for Defendant  
GOOGLE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, MONIQUE TRUJILLO,  
WILLIAM BYATT, JEREMY DAVIS, and  
CHRISTOPHER CASTILLO, individually and  
on behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER CASES  
SHOULD BE RELATED**

The Honorable Yvonne Gonzalez Rogers

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE THAT,** pursuant to Civil Local Rules 3-12 and 7-11, defendant Google LLC (“Google”) respectfully submits this administrative motion to deem the above-captioned action, *Brown, et al. v. Google LLC*, Case No. 20-cv-03664-YGR-SVK (N.D. Cal.) (the “*Brown Action*”) related to *Salcido, et al. v. Google LLC*, Case No. 5:24-cv-06462 (N.D. Cal) (the “*Salcido Action*”). The *Salcido Action* is currently pending before Magistrate Judge Nathanael M. Cousins.

## ARGUMENT

The *Salcido* Action is one of over 2,000 complaints for damages filed in the Superior Court of the State of California, County of Santa Clara, seeking damages based on the same allegations raised in *Brown*—the damages claims for which this Court denied certification of a Rule 23(b)(3) class in *Brown*. See *Salcido, et al. v. Google LLC*, Case No. 24CV436497. On August 5, 2024, Plaintiffs in the *Salcido* Action filed a First Amended Complaint (the “*Salcido* FAC”), asserting for the first time a Federal Wiretap Act claim (*Brown* includes the same claim).<sup>1</sup> On September 13, 2024, Google timely removed the *Salcido* Action to this District. *Salcido* Action, ECF No. 1. Now that the *Salcido* Action is pending in this District, interests of judicial comity and efficiency would be furthered by relating it to the *Brown* Action on which it is based.

Pursuant to Local Rule 3-12(a), an action is considered related to another when (1) the “actions concern substantially the same parties, property, transaction, or event,” and (2) it “appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Both of these criteria are easily satisfied here.

**First**, the *Salcido* FAC advances substantially the same allegations and claims and names the same defendant at issue in *Brown*, and the *Salcido* Plaintiffs are members of the nationwide classes certified in *Brown*. Indeed, the *Salcido* Action was filed by counsel for intervenors in the *Brown* Action (Potter Handy, LLP) and Plaintiff *Salcido* was the lead intervenor in *Brown*. *Brown* Action, ECF No. 1116. Moreover, the *Salcido* FAC explicitly pleads that the *Salcido* Action is a follow-on action to the *Brown* Action by alleging: (1) “Plaintiffs are individuals who are all within

<sup>1</sup> For the Court's reference, the *Salcido* FAC is attached hereto as Exhibit A.

1 the scope of the certified nationwide classes in the *Brown* [Action] who have now decided to  
 2 separately seek monetary relief from Google”; (2) “Plaintiffs assert claims that already survived  
 3 past motions to dismiss and summary judgment in the *Brown* [Action], where the federal court  
 4 certified two nationwide classes under Rule 23(b)(2) to pursue these claims for purposes of  
 5 injunctive relief”; and (3) “Plaintiffs now each seek monetary relief from Google[.]” Ex. A ¶ 120.

6 **Second**, given the substantial overlap between the two actions, judicial economy and party  
 7 resources would be best served by assigning the *Salcido* Action to this Court, which currently  
 8 presides over the *Brown* Action. It would be inefficient and burdensome for a different judge to  
 9 separately evaluate and address similar issues arising out of the same factual allegations and legal  
 10 claims that arose in the *Brown* Action. The need for uniformity and judicial economy is particularly  
 11 acute here, given that Plaintiffs’ counsel has filed at least a dozen additional copycat actions that  
 12 assert identical claims and factual allegations, which Google anticipates removing to this District  
 13 in due course.<sup>2</sup>

14 **Finally**, counsel for the *Salcido* Plaintiffs agree that the *Salcido* Action should be related to  
 15 the *Brown* Action. The *Salcido* Plaintiffs have stipulated to relating the actions. *See* Stipulation  
 16 Regarding Administrative Motion to Consider Whether Cases Should be Related.

17 For the reasons set forth above, Google respectfully requests that the *Salcido* Action be  
 18 deemed related to the *Brown* Action and assigned to the Honorable Yvonne Gonzalez Rogers for  
 19 all purposes.

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 28 <sup>2</sup> Google submits that each copycat action filed by Plaintiffs’ counsel that is ultimately removed to  
 this District should similarly be deemed related to the *Brown* Action and assigned to the Honorable  
 Yvonne Gonzalez Rogers.

1 Dated: September 18, 2024

COOLEY LLP

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3 By: /s/ Aarti Reddy  
4 Aarti Reddy

5 Attorney for Defendant  
6 Google LLC  
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